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Date: 27/07/2026

DH-DD(2026)939

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Meeting: 1569th meeting (September 2026) (DH)

Communication from NGOs (European Prison Litigation Network (EPLN) and Protection for Prisoners of Ukraine (PPU)) (22/07/2026) concerning the cases of Sukachov, Yakovenko group, Nevmerzhitsky group and Melnik group v. Ukraine (Applications No. 14057/17, 15825/06, 54825/00, 72286/01) and reply from the authorities (22/07/2026).

Information made available under Rules 9.2 and 9.6 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1569^e réunion (septembre 2026) (DH)

Communication d'ONG (European Prison Litigation Network (EPLN) et Protection for Prisoners of Ukraine (PPU)) (22/07/2026) relative aux affaires Sukachov, groupe Yakovenko, groupe Nevmerzhitsky et Melnik c. Ukraine (Requêtes n° 14057/17, 15825/06, 54825/00, 72286/01) et réponse des autorités (22/07/2026) **[anglais uniquement]**

Informations mises à disposition en vertu des Règles 9.2 et 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



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DGI

22 JUIL. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

COMMUNICATION

**in accordance with Rule 9.2 of the Rules of the Committee of Ministers for the supervision
of the execution of judgments and of the terms of friendly settlements**

**The groups of cases of Sukachov v. Ukraine (Application No. 14057/17), Nevmerzhitsky v.
Ukraine (Application No. 54825/00), Yakovenko v. Ukraine (Application No. 15825/06),
and Melnik v. Ukraine (Application No. 72286/01)**

1569th meeting (September 2026) (DH)

Subject:

*Assessment of the Effectiveness of the Domestic Preventive Remedy (Commissions for the
Consideration of Issues on Improper Detention Conditions) considering the Government's
Updated Action Plan dated 29 June 2026 (DH-DD(2026)818)*

Description of the group of cases and the scope of submission

1. This submission is prepared pursuant to Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and in response to the Government's updated Action Plan dated 29 June 2026 (DH-DD(2026)818). The submission focuses on a detailed analysis of the operation of the Commissions for Consideration of Issues on Improper Detention Conditions in Penitentiary Institutions (established under the Regulation approved by Cabinet of Ministers Decree No. 1549 in implementation of Law No. 4093-IX), which the Government presents as a domestic preventive remedy in the *Sukachov v. Ukraine* group of cases.

Presentation of organizations providing communication

3. The public organization "Protection of Prisoners of Ukraine" investigates and documents torture and ill-treatment of prisoners in Ukraine and provides consultations and legal assistance to victims of torture and their families.
4. The European Prison Litigation Network (EPLN) is a network of non-governmental organizations working to protect prisoners' rights. Currently, it unites 25 national NGOs and associations of lawyers from 18 member states of the Council of Europe.

I. Institutional Dependence and Discriminatory Restrictions on Commission Membership

5. The commissions established under the legislation currently perform only the functions of the **preventive remedy**, as the legal provisions necessary to implement the **compensatory remedy** have not yet been adopted.
6. For a preventive remedy concerning conditions of detention before an administrative authority to be effective, that authority must (a) be independent of the prison authorities, (b) ensure prisoners' effective participation in the examination of their complaints, (c) guarantee the prompt and diligent handling of complaints, (d) have at its disposal a wide range of legal powers capable of remedying the underlying problems giving rise to those

complaints, and (e) be empowered to issue binding and enforceable decisions (*Neshkov and Others v. Bulgaria*, 2015, §§ 182–183 and 282–283). Such a remedy must also be capable of providing relief within a reasonably short period of time (*Torreghiani and Others v. Italy*, 2013, § 97).

7. In the present case, the commissions do not satisfy the guarantees of independence required under Article 13 of the Convention. This conclusion is reinforced by the fact that the judicial remedy itself is not effective (see below).
8. Members of the commissions are appointed by the interregional prison administrations. Information obtained from the prison authorities shows that prison administration officials account for between **45.5% and 55.6%** of the membership of most commissions and systematically occupy key positions, including those of Chair, Vice-Chair or Secretary. Furthermore, the legislation does not specify who is responsible for carrying out on-site inspections on behalf of the commissions. In these circumstances, the participation of a limited number of civil society representatives is insufficient to ensure institutional independence, and the appearance of pluralism remains largely illusory.
9. The composition of the Commissions and their voting rules guarantee the retention of administrative control by the penitentiary authorities. More than 50% of the Commission members (up to 57% in certain regional commissions) consist of active SPS officers and officials of state authorities, whereas independent civil society is represented at merely around 43% (see Annex 1 and table below). Given that decisions are adopted by a simple majority vote, the decisive influence invariably remains with state sector representatives.

Commission	Total Members	CSOs Representatives	Share of CSOs Representatives (%)
Central-Western	11	6	55%
Kyiv	10	5	50%
Central-Northern	10	5	50%
North-Eastern	11	5	45%
Western	11	4	36%
South-Central	10	3	30%
South-Eastern	11	3	27%

10. It is also to be noted that clause 10 of Regulation No. 1549 imposes a lifetime ban on Commission membership for anyone who has ever been held in pre-trial detention or served a prison sentence, contrary to the presumption of innocence under Article 62 of the Constitution and to the legal effects of expungement of convictions under Articles 88 and 89 of the Criminal Code. By permanently excluding individuals despite acquittal, discontinued proceedings, or expunged convictions, the Regulation creates a discriminatory restriction of civil rights that has, in practice, prevented experienced human rights defenders and civil society representatives with first-hand knowledge of the penitentiary system from participating.

II. Lack of Procedural Safeguards Governing the Examination of Complaints

11. In order for a domestic remedy concerning conditions of detention to be regarded as effective, "the authority or court dealing with the matter must determine it in accordance with the relevant principles laid down in the Court's case-law" (*Neshkov and Others v. Bulgaria*, 27 January 2015, no. 36925/10, § 187).
12. To satisfy the requirements of Article 13, the examination of prisoners' complaints must be governed by procedural rules ensuring the participation of the complainants. Such safeguards are necessary both to enable the adversarial establishment of the facts and to prevent prisoners' complaints from remaining a dead letter. On the one hand, complainants must be given the opportunity to comment on the observations submitted by the prison administration so that their allegations cannot simply be dismissed on the basis of contradictory assertions by the prison authorities. On the other hand, the body responsible for examining the complaint must be under a procedural obligation to determine every complaint brought before it.
13. The Court has held that a system in which the competent authority is under no obligation to hear the complainant concerning his or her conditions of detention, and in which the complainant has no right to obtain information on the manner in which the supervisory body examined the complaint, the proceedings taking place solely between the supervisory body and the supervised authority, cannot be regarded as an effective remedy (*Neshkov and Others v. Bulgaria*, cited above, § 212).
14. The procedure before the Commissions provides no safeguards ensuring respect for the adversarial principle. It falls even further short of the requirements of Article 13 given that,

as noted above, the preparatory investigative measures preceding a Commission's decision may themselves be carried out by a member of the prison administration.

III. The Commissions' Limited Powers

15. According to the Court's case-law, the competent body must have at its disposal a wide range of legal powers capable of addressing the underlying causes of complaints concerning detention conditions and must be empowered to issue binding and enforceable decisions. However, the Commissions do not appear to satisfy these requirements, since their own statutory powers are not defined.
16. Where a Commission concludes that a violation exists, it is the prison administration—not the Commission—that is responsible for adopting the measures necessary to bring the violation to an end. Consequently, the Commission has no coercive powers vis-à-vis the prison administration and, a fortiori, is incapable of addressing the systemic nature of the violations, as required by the Court's case-law (*Norbert Sikorski v. Poland*, § 160; *Torreggiani and Others v. Italy*, § 54).
17. Moreover, the prison administration is merely required to inform the Commission of the measures it has taken. The Commission is not empowered to verify whether those measures have effectively put an end to the applicant's exposure to the violation complained of or whether they have exposed the applicant to further violations.

IV. The Massive Dismissal of Complaints

18. This institutional imbalance fully explains the critically low effectiveness of metrics of the Commissions. According to official reporting for 2025, out of 242 complaints considered, the Commissions established facts of improper detention conditions in only 7 cases (2.89%), whereas 235 complaints (97.11%) were rejected as unsubstantiated. In the first half of 2026, out of 102 complaints considered, violations were confirmed in only 14 cases (13.73%), while 88 complaints (86.27%) were dismissed.
19. The systematic rejection of 86% to 97% of complaints demonstrates that the Commissions operate not as an objective quasi-judicial remedy, but as an additional administrative filter designed to justify existing conditions in places of detention.
20. Although not entirely up to date, the statistics obtained from each individual Commission are nevertheless highly revealing of the merely formal nature of the scrutiny carried out.

№	Commission of the Interregional Department (ID)	Date of information provision	Complaints received	Reviewed	Confirmed	Not confirmed	Other
1	North-Eastern ID	18.11.2025	29	23	0	23	6 in progress
2	Western ID	21.11.2025	4	3	0	2	1 refusal + 1 in progress
3	Central-Western ID	09.12.2025	95	90	0	90	5 in progress
4	Southern-Central ID	15.12.2025	6	6	0	6	—
5	Southern-Eastern ID	24.11.2025	23	21	0	21	2 under consideration
6	Kyiv and Kyiv region	08.12.2025	35	35	3	10	22 refused consideration
7	North-Central ID	21.04.2026	19	19	6	10	3 refused consideration
Total			211	197	9	160	14/26

III. Defects and Lack of Transparency in Official Government Reporting

21. The statistical data on the operation of the Commissions presented by the Government in its Action Plan of 29 June 2026 (DH-DD(2026)818) contains significant gaps that prevent a meaningful assessment of the accessibility and effectiveness of this remedy.
22. First, the information provided makes it impossible, even indirectly, to assess whether the standards applied by the Commissions are compatible with the European Court of Human Rights' case-law on conditions of detention. The official statistics are not disaggregated by type of detention facility, making it impossible to determine how many complaints originated from pre-trial detention centres (SIZOs), where overcrowding and inadequate sanitary conditions are most acute, as opposed to penal institutions. Moreover, although seven interregional directorates have established separate Commissions, the Government reports only aggregated national figures. No data is provided on the outcome of complaints examined by each individual Commission, preventing any assessment of regional variations in their practice and effectiveness.
23. Second, the official statistics reflect only the number of complaints referred to substantive examination (242 and 102, respectively). They omit the total number of complaints initially received, as well as the number of complaints returned, declared inadmissible, or rejected on procedural grounds by the Commission secretariats. Consequently, it is impossible to assess the proportion of complaints filtered out before reaching substantive examinations.

24. Furthermore, as the system provides no mechanism for assessing whether the corrective measures adopted by the prison administration following a Commission decision effectively remedy the violation, no information is available as to whether the outcome of the procedure affords adequate redress.

V. Lack of Effective Judicial Control

25. A remedy cannot be considered effective within the meaning of Article 13 of the Convention in the absence of robust judicial review. As evidenced by the Government's own reporting, domestic courts continue to systematically refuse to open proceedings regarding appeals against Commission decisions under the Code of Criminal Procedure (CCP), citing the lack of an explicit procedural mechanism.
26. Consequently, individuals whose complaints are unsubstantiatedly rejected by the Commissions remain deprived of any realistic possibility to challenge such decisions before an independent court.

Conclusions and Recommendations to the Committee of Ministers

In light of the above, the submitting organisation respectfully invites the Committee of Ministers, at its 1569th meeting (September 2026), to request the Ukrainian authorities to:

- Ensure the publication of comprehensive, disaggregated and regularly updated statistics on the operation of the complaints mechanism, including the total number of complaints received, complaints declared inadmissible or rejected on procedural grounds, complaints examined on the merits and their outcomes, broken down by Commission and by type of detention facility. The authorities should also establish a system for monitoring the implementation and effectiveness of corrective measures ordered following Commission decisions, enabling an assessment of whether the remedy provides effective and adequate redress in practice.**
- Comprehensively reform the complaint mechanism to bring it into compliance with Article 13 of the Convention by ensuring that the body responsible for examining complaints is institutionally independent of the**

prison administration, guarantees adversarial proceedings and procedural fairness, and has the authority to adopt binding and enforceable decisions able to remedy both the individual violation and taking into account its underlying structural causes. The reform should also establish an effective mechanism for monitoring the implementation of the body's decisions and, if the Ukrainian authorities choose to maintain a non-judicial complaints mechanism, ensure the availability of prompt and effective judicial review.

Respectfully submitted.

Annex

Composition of commissions as of the end of 2025

Interregional Directorate (ID) Commission	Members' Affiliation
Northeast	
	NGO
	Penitentiary Service
	Penitentiary Service
	Local Government
	Charity organization
	Charity organization
	NGO
	Local Government/ NGO
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
Western	
	NGO
	Religious Organization
	NGO
	Local Government
	Religious Community
	Ex-Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
Central-Western	
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Religious Organization
	NGO
	Religious Organization
	NGO
	Religious Organization
	NGO

Southeastern	
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Local Government
	NGO
	Penitentiary Service
	Charity organization
	Local Government
	Local Government
	Local Government
South-Central	
	Penitentiary Service
	Charity organization
	Penitentiary Service
	Penitentiary Service
	NGO
	NGO
	Local Government
	Local Government
	Penitentiary Service
	Penitentiary Service
Kyiv and Kyiv Oblast	
	Religious Organization
	Religious Organization
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	Charity organization
	Charity organization
	NGO
	Penitentiary Service
Central-Northern	
	Religious Organization
	Penitentiary Service
	Penitentiary Service
	NGO
	Charity organization
	Religious Organization

DH-DD(2026)939: Communication from Ukraine in reply to an NGO.

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	Penitentiary Service
	Penitentiary Service
	Penitentiary Service
	NGO



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Mr Pavlo Pushkar

**Head of Division
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*As to the execution of the Court's judgments
in the case of Sukachov v. Ukraine and
Nevmerzhitsky/Yakovenko/Melnik groups of cases*

Dear Mr Pushkar,

As to the execution of the Court's judgments in the case of *Sukachov v. Ukraine* (application no. 14057/17) and *Nevmerzhitsky* (application no. 54825/00), *Yakovenko* (application no. 15825/06), *Melnik* (application no. 72286/01) groups of cases, the Government would like to address certain issues in response to the joint communication from the European Prison Litigation Network and Protection for Prisoners of Ukraine, submitted on 23 June 2026 under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

The Government expresses their respect to the representatives of the above-mentioned non-governmental organizations (the "NGOs") for highlighting their concerns, in particular regarding effectiveness of the domestic preventive remedy - activities of the Commission for consideration of complaints on inadequate conditions of detention in pre-trial detention centres and penal institutions.



СЕД АСКОД
Міністерство юстиції України
№ 110906/137557-21-26/5.2.1 від 27.07.2026
Підписувач Сокоренко Маргарита Степанівна
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Дійсний з 15.12.2025 12:40:11 по 15.12.2026 12:40:11

At the outset the Government would like to emphasize that the protection of prisoners' rights, including the adequate conditions of detention, remains under the constant control of the Government. The commitment of the Government is unwavering in upholding the rights and freedoms of all individuals under their jurisdiction.

In the Updated Action Plan of 29 June 2026¹, as well as in the Addendum to the Updated Action Plan of 09 July 2026² the Government informed the Committee of Ministers about the activities of the Commissions for consideration of complaints on inadequate conditions of detention in pre-trial detention centres and penal institutions (the "Commission"). In response to the NGOs' communication, the Government would like to provide the following additional clarification.

I. Regarding formation and composition of the Commission

The Government would like to reiterate that activities of the Commission are regulated by the Regulation on the Commission for consideration of complaints on inadequate conditions of detention in pre-trial detention centres and penitentiary institutions, approved by the Resolution of the Cabinet of Ministers of Ukraine of 31 December 2024 No. 1549 (the "Regulation"). This Regulation defines the procedure for establishing the Commission, its tasks, functions, powers and activities.

In its activities, the Commission is guided by the Constitution of Ukraine, the Criminal Executive Code of Ukraine, the Law of Ukraine "On Pre-trial Detention", as well as the Regulation. The Commission's activities are based on the principles of publicity, democracy, voluntariness, openness, transparency and accountability.

The Commission is formed by the Interregional Department for the Execution of Criminal Sentences of the Ministry of Justice of Ukraine. The Commission is composed of representatives of interregional administration, supervisory commissions, public and/or charitable organisations, executive authorities, local self-government bodies, enterprises, institutions and organisations regardless of their form of ownership, and individual citizens.

Judges, representatives of the prosecutor's office, state executive service, pre-trial investigation bodies, attorneys, persons with unspent or unexpunged convictions, persons who were previously held in custody, pre-trial detention facilities and/or served their sentences in penitentiary institutions may not be members of the Commission, as well as persons who were formerly members of the Commission and whose powers were terminated early on the grounds of refusal to visit the institutions on the instructions of the Commission; absence without valid reasons at three consecutive meetings of the Commission.

The number of members of the Commission shall be determined depending on the scope of work from five to eleven members. The Commission is formed for a term of three years. The Interregional Department informs through the media and on the official website about the termination of the Commission's powers and the formation of a new composition no later than three months before the termination of powers, as well as about the early termination of powers by a member of the Commission.

The Government would like to emphasize that no representatives of the administrations of penal institutions (penal colonies and pre-trial detention facilities) are members of the Commission. Furthermore, 4 commissions are currently chaired by representatives of public organizations. The Chairperson of the Commission organises the Commission's work, allocates responsibilities amongst its members, provides instructions, and controls their implementation.

Representatives of public and/or charitable organisations, executive authorities, local self-government bodies, enterprises, institutions and organisations regardless of their form of ownership, and individual citizens represent at least half of the Commission's membership.

Current information on the composition of the Commission, including representatives of civil society organisations, is provided in the table.

¹ [https://hudoc.exec.coe.int/?i=DH-DD\(2026\)818E](https://hudoc.exec.coe.int/?i=DH-DD(2026)818E)

² [https://hudoc.exec.coe.int/?i=DH-DD\(2026\)818-addE](https://hudoc.exec.coe.int/?i=DH-DD(2026)818-addE)

Commission	Total Members	Representatives of civil society organisations	Share of representatives of civil society organisations (%)
Central-Western (Order No. 20/OД-25 of 27 February 2025)	11	6	55%
Kyiv (Order No. 215/OД-25 of 25 July 2025)	10	5	50%
Central-Northern (Order No. 31/OД-25 of 25 September 2025)	10	5	50%
North-Eastern (Order No. 5/АГ-26 of 12 January 2026)	10	5	50%
Western (Order No. 5/АГ-26 of 12 January 2026)	11	6	55%
South-Central (Order No. 57/OД-25 of 03 October 2025)	10	5	50%
South-Eastern (Order No. 69/АГП-26 of 13 July 2026)	13	9	69%

The Government would like to reiterate that Commission is composed at least half of representatives of public and/or charitable organisations, executive authorities, local self-government bodies, enterprises, institutions and organisations regardless of their form of ownership, and individual citizens, ensuring transparency and public participation. This structure guarantees that the final decisions are objective and balanced.

II. Regarding procedural safeguards governing the examination of complaints

The Commission receives an application (complaint) on inadequate conditions of detention from a detainee/convict or his/her relative or authorised representative. The Commission shall send a copy of the application to the administration of the relevant institution without delay but no later than two working days from the date of receipt of such application. Within five days from the date of receipt of the application, the Commission or its authorised members shall visit the relevant institution to assess conditions of detention. Within three days of the visit, the Commission shall hold a meeting and decide whether the person is/was detained in inadequate conditions and for how long. The Commission shall adopt its decision by open vote by a majority of the members present at the meeting. In the event of a tie, the Chairperson of the Commission shall have the casting vote.

The decision of the Commission shall be formalised in a resolution, which shall be signed by all members of the Commission. A member of the Commission who disagrees with the decision adopted have the right to present a dissenting opinion in writing, which shall be attached to the minutes of the Commission meeting.

The Chairperson and members of the Commission shall bear personal responsibility for the legality of the decisions adopted.

A copy of the Commission's decision shall be sent without delay, but no later than two working days from the date of its adoption, to the administration of the institution, the person concerned/applicant. Upon receipt, the administration of the institution must immediately take preventive measures and, within ten days, inform the Commission of the results.

The Commission also sends a copy of the decision to the Department for the Execution of Criminal Sentences, the Interregional Department and the district prosecutor's office for oversight. If the detained or convicted person disagrees with the Commission's decision, he or she may appeal against such decision to court within one year.

The Government would like to stress that, during the submission of a complaint, the applicant is not restricted in the ability to provide the Commission with any explanations, documents, materials, evidence or other information which is relevant to a comprehensive, complete and objective examination of the complaint. Thus, applicants are provided with a real opportunity to set out their position, substantiate their arguments and confirm them with appropriate evidence.

Furthermore, the Commission is obliged to consider every complaint received in accordance with the procedure and within the time limits established by the law, and to adopt a decision.

A clear procedure for the consideration of complaints and the implementation of the Commissions' decisions is established by the law.

Compliance with the Commission's decision is ensured through the internal control mechanisms of the Department for the Execution of Criminal Sentences and the inter-regional departments, as well as through oversight by the prosecutor's office within the limits of its defined powers.

III. Regarding transparency in official reporting

The Government would like to note that in the Addendum to the Updated Action Plan of 09 July 2026, they provided the Committee of Ministers with updated information regarding the facts of violations of detention conditions.

The Government would like to assure that all complaints is considered and examined by the Commission in accordance with the procedure established by the Regulation. The Government would like to confirm that all complaints are accepted for consideration and examined by the Commission in accordance with the procedure established by the Regulation. Where the facts of the violations are confirmed, the Commission found that the applicants had been held in inadequate conditions.

In accordance with Resolution of the Cabinet of Ministers of Ukraine of 10 June 2026 No. 764 "On Amendments to the Regulation on the Commission for consideration of complaints on inadequate conditions of detention in pre-trial detention centres and penitentiary institutions"³, Annex 1 was added to the Regulations. This Annex approved the form of the Report on the activities of the Commission. The Report contains, in particular, information on the total number of complaints received, the number of complaints examined on their merits, and the number of complaints returned, declared inadmissible or in respect of which a decision was taken on procedural grounds by the Commissions' secretariats. This reporting form provides a comprehensive overview of the main stages in the processing of complaints and enables assessment of the accessibility and effectiveness of such legal remedy.

The Government would like to point out that the Commission operates on the basis of clear legal provisions, with at least half of its members representing civil society, thereby ensuring transparency. Complaints are examined in accordance with established procedural safeguards, and formal accountability mechanisms ensure objective monitoring of the Commission's effectiveness.

In conclusion, the Government would like to note that all information provided in the NGOs' communication is duly considered and taken into account by the Government, one of whose main priorities is the implementation and protection of human rights in Ukraine, in particular those guaranteed by the Convention.

The information provided in the NGOs' communication has also been brought to the attention of the relevant national authorities for the purpose of duly taking the submitted comments into account in their further work.

The Government would like to assure that the issues raised in the NGOs' communication will be taken into account, and the Government will inform the Committee of Ministers about further individual and general measures taken in their future communications within the case of *Sukachov v. Ukraine* and *Nevmerzhitsky/Yakovenko/Melnik* groups of cases.

Yours sincerely,

Marharyta SOKORENKO
Agent before
the European Court of Human Rights

³ <https://zakon.rada.gov.ua/laws/show/764-2026-%D0%BF/ed20260610#Text>